

**THE LOCAL CIVIL RULES
OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**



PHIL LOMBARDI, CLERK

(Effective January 1, 1995)

***Includes amendments to:
Local Rule 16 and Local Rule 26 amended 3/26/01;
Local Rule 47.1 amended 4/27/01;
Local Rule 81.2 omitted 4/04
Local Rule 83.3 amended 6/1/04**

SVEN ERIK HOLMES, CHIEF JUDGE

TERENCE C. KERN, JUDGE

CLAIRE V. EAGAN, JUDGE

JAMES H. PAYNE, JUDGE

JAMES O. ELLISON, SENIOR JUDGE

H. DALE COOK, SENIOR JUDGE

Counties Within the Northern District of Oklahoma are:

Craig

Creek

Delaware

Nowata

Mayes

Osage

Ottawa

Pawnee

Rogers

Tulsa

Washington

INDEX

- A. Title and Citation
- B. Effective Date
- C. Relationship to Prior Rules; Actions
Pending on Effective Date
- D. Bankruptcy Exclusion
- E. Judicial Waiver
- F. Explanation of Numbering

Local Rule 1.2 - Availability of the Local Rules Page 2

- A. Availability
- B. Notice of Amendment

Local Rule 1.4 - Professional Conduct Expected Page 3

- A. Officer of the Court
- B. Unprofessional Conduct
- C. Ex Parte Communication Prohibited
- D. Summary Discipline
- E. Show Cause Procedure
- F. Proceedings Before Magistrate Judges
- G. Discretionary Referral to Committee
- H. Referral to OBA
- I. Reinstatement
- J. Disclosure of Professional Misconduct by Lawyer
not a Member of the Bar of the Northern District
of Oklahoma
- K. Senior Judges

Local Rule 3.1 - Civil Cover Sheet Page 5

Local Rule 5.1 - Filing with the Court Page 6

- A. Where Filed
- B. Identification of Filing Attorney
- C. Certificate of Service
- D. Filing by Facsimile Not Routinely Permitted
- E. Copies
- F. Fees Charged by Clerk
- G. Marshal's Fees

Local Rule 6.1 - Time Page 7

- A. Computation
- B. Extension of Time

Local Rule 7.1 - Motion Practice	Page 8
--	--------

- A. Filing
- B. Brief Required
- C. Response Briefs
- D. Reply Briefs
- E. Statement of Objections Required On First Page
- F. Proposed Order
- G. Motions to Consolidate
- H. Motions in Limine

Local Rule 7.2 - Briefs	Page 9
-------------------------------	--------

- A. Filing
- B. Title
- C. Page Restriction
- D. Single Motion and Brief
- E. Briefing Rounds Restricted
- F. Index
- G. Reference to Parties
- H. Ordinances and Regulations
- I. Statutes Foreign to the Jurisdiction
- J. Confessions
- K. Only Record Considered

Local Rule 9.1 - Social Security Number in Social Security Cases	Page 10
---	---------

Local Rule 9.2 - Request for Three-Judge Court	Page 11
--	---------

- A. Form of Request
- B. Special Filing Requirement

Local Rule 9.3 - Prisoner Petitions	Page 12
---	---------

- A. Forms to be Used
- B. Service on Respondents
- C. Amended Pleadings

Local Rule 9.4 - Notice of Bankruptcy Filing	Page 13
--	---------

Local Rule 10.1 - Form of Pleadings	Page 14
---	---------

- A. Form
- B. Exhibits

Local Rule 16.1 -Pre Trial Procedures	Page 15
---	---------

- A. Scheduling and Planning
 - 1. Joint Status Report
 - 2. Required Attendance at Conference
- B. Pre Trial Responsibilities
 - 1. Preparation of Status Reports, Final Pretrial Order, and Other Orders
 - 2. Default

Local Rule 16.2 -Settlement Conferences Page 17

- A. Purpose
- B. Referral and Scheduling the Settlement Conference
- C. Settlement Judges
- D. Attendance Requirements
- E. Governmental Entities
- F. Submission of Written Settlement Conference Statements
- G. The Settlement Conference Process
- H. Authority of Settlement Judge
- I. Confidentiality
- J. Conclusion of the Settlement Conference
- K. Other Alternative Methods

Local Rule 23.1 - Designation of "Class Action"
in the Caption Page 20

Local Rule 24.1 - Procedure for Notification of Any Claim of
Unconstitutionality Page 21

Local Rule 26.1 -Depositions and Discovery Page 22

- A. Initial Disclosures
- B. Implementation

Local Rule 26.2 - Disclosure of Insurance Agreements Page 23

Local Rule 26.3 -Discovery Material Not to be Filed Page 24

Local Rule 26.4 - Privilege Log Page 25

Local Rule 30.1 - Depositions Page 26

- A. Reasonable Notice
- B. Handling
- C. Maintenance
- D. Certified Copies Substituted
- E. Depositions Generally

- F. Length of Depositions
- G. Number of Depositions
- H. Procedure for Designation of Deposition Testimony
for Use at Trial

Local Rule 33.1 - Interrogatories Page 27

- A. Limited to Twenty-Five (25)
- B. Additional Interrogatories by Stipulation and Order

Local Rule 37.1 - Informal Conference to
Settle Discovery Dispute Page 28

- A. Conference Required
- B. Unprofessional Conduct Exception
- C. Pro Se and Non-Party Exception

Local Rule 37.2 - Discovery Enforcement Page 29

- A. Disposition of Discovery Matters by Magistrate Judge
- B. Expedited Hearings
- C. Routine Matters
- D. Requests and Responses Must be Submitted
- E. Adjunct Settlement Judges

Local Rule 38.1 - Notation of Jury Demand in the Pleading Page 30

- A. Jury Demand
- B. Assessment of Jury Costs

Local Rule 40.1 - Assignment of Cases Page 31

- A. Random Assignment of District Judges
- B. Random Assignment of Magistrate Judges
- C. Wheel of Assignment Cards
- D. Capital Cases

Local Rule 40.2 - Trial Calendar Page 32

- A. Trial on Merits
- B. En Banc

Local Rule 41.0 - Administrative Closure Page 33

Local Rule 43.1 - Lists of Witnesses and Exhibits at Trial Page 34

- A. List of Witnesses
- B. List of Trial Exhibits
- C. Lists to Assist Jury Deliberations
 - 1. Witnesses Called
 - 2. Exhibits Received

Local Rule 47.1 - Random Selection of Grand
and Petit Jurors Page 35

- A. Adoption of Plan
- B. Applicability of Plan
- C. Policy
- D. Management and Supervision of Jury Selection Process
- E. Random Selection From Voter Lists
- F. Master Jury Wheel
- G. Qualified Jury Wheel
- H. Determination of Qualifications
- I. Excuses and Exemptions
- J. Exemption from Jury Service
- K. Excuses on Individual Request
- L. Challenges to the Selection Process

Local Rule 47.2 - Communication with Jurors Page 39

Local Rule 48.1 - Civil Juries Page 40

Local Rule 54.1 - Taxation of Costs Page 41

- A. Bill of Costs
- B. Objections to Bill of Costs
- C. Taxation of Costs
- D. Costs in Comparative Negligence Cases
- E. Judicial Review
- F. Waiver

Local Rule 54.2 - Award of Attorney Fees Page 42

- A. Time to File Motion for Attorney Fees
- B. Waiver

Local Rule 55.1 - Procedure for Obtaining
Default Judgment Page 43

- A. Entry of Default by Clerk

- B. Entry of Judgment by the Clerk
- C. Entry of Judgment by the Court

Local Rule 56.1 - Summary Judgment Motions Page 44

- A. Material Fact Statement
- B. Response Brief
- C. Reply Briefs to Address New Matter
- D. Record
- E. Accelerated Scheduling
- F. Disposition by Magistrate Judge

Local Rule 58.1 - Entry on Docket Page 45

Local Rule 62.1 - Stay of Proceedings to
Enforce a Judgment Page 46

Local Rule 65.1.1 - Security; Sureties Page 47

- A. Scope of Rule
- B. Security for Costs
- C. Corporate Surety
- D. Cash
- E. Real Estate
- F. Court Officers as Sureties

Local Rule 67.1 - Deposit and Disbursement of Registry Funds Page 48

- A. Deposit of Funds
- B. Disbursement Ordered by District Judge Only
- C. Provision of Social Security or Tax I.D. Numbers
- D. Handling Fee

Local Rule 71 A.1 - Condemnation Cases Page 49

- A. Master File
- B. Separate Civil Actions

Local Rule 72.1 - United States Magistrate Judge Page 50

- A. Authorization
 - 1. Civil Consent Proceedings and Trials
 - 2. Non-dispositive Matters
 - 3. Injunctions, Class Actions, and Dispositive Matters
 - 4. Enforcement of IRS Summons
 - 5. Hearings on Assets
 - 6. Pretrial Conferences

- 7. Special Master
 - 8. Jury Selection
 - 9. Jury Verdicts
 - 10. Issue Subpoenas and Writs
 - 11. Inspection Warrants
 - 12. Confirm Sale
 - 13. Additional Duties
- B. Motions to Reconsider
 - C. Jurisdiction
 - D. Alternative Dispute Resolution
 - 1. Authorization
 - 2. Supervision and Administration of ADR Program
 - a. ASJ Training and Supervision
 - b. References to Adjunct Discovery Judges
 - c. "Special Project" Assignments
 - d. ADR Program Design

Local Rule 73.1 - Trial Consent and Partial Consent to Proceed Before the
United States Magistrate Judge Page 53

- A. Notice
- B. Trial Consent
- C. Partial Consent
- D. Execution of Consent

Local Rule 73.2 - Appeal from Judgment in Civil
Cases Disposed of on Consent of the Parties Page 54

- A. Normal Appeal Route to the Court of Appeals
- B. Optional Appeal Route to a District Judge
 - 1. Notice of Appeal
 - 2. Service of the Notice of Appeal
 - 3. Record on Appeal
 - 4. Briefs
 - 5. Disposition of the Appeal by a District Judge
 - 6. No Further Appeal to the Court of Appeals as of Right

Local Rule 77.1 - Business Hours of the Court Clerk Page 56

Local Rule 78.1 - No Oral Hearing Page 57

Local Rule 79.1 - Records Kept by the Court Clerk Page 58

- A. Where Files Maintained
- B. Files Not to be Removed

- C. Withdrawal of Trial Exhibits Required
- D. Sealing of Records

Local Rule 80.1 - Court Reporters Page 59

Local Rule 81.1 - Removal from State Court Page 60

Local Rule 83.1 - Photographs, Recording, Broadcasting,
Electronic Equipment Use, and Computer Use Page 61

- A. Activity Restricted
- B. Definition: "Environments"
- C. Dictating Equipment
- D. Computers
- E. Cellular Phones and Pagers

Local Rule 83.2 - Professional Conduct and Courtroom Decorum Page 62

- A. Oklahoma Rules of Professional Conduct Apply
- B. Courtroom Behavior

Local Rule 83.3 - Bar Admission Page 65

- A. Roll of Attorneys
- B. Committee on Admissions and Grievances
- C. Application for Admission
- D. Individual Admission
- E. Eligibility
- F. Reciprocity
- G. Conviction; Discipline in Other Courts
- H. Resignation While Under Investigation
- I. Attorneys for the United States
- J. Admission of Nonresident Attorney for Limited Practice
- K. Resident Counsel Required
- L. Appearance of Counsel
- M. Withdrawal from Case

Local Rule 83.4 - Oath of Attorney Page 68

Local Rule 83.5 - Complaint Against a
Judge of the Court Page 69

LOCAL RULE 1.1

SCOPE OF THE RULES

A. Title and Citation. These rules shall be known as the Local Rules of the United States District Court for the Northern District of Oklahoma. They may be cited as "N.D. LR ____".

B. Effective Date. These rules become effective on January 1, 1995.

C. Relationship to Prior Rules; Actions Pending on Effective Date. These rules supersede all previous rules promulgated by this court or any judge of this court. They shall govern all applicable proceedings brought in this court after they take effect. They also shall apply to all proceedings pending at the time they take effect, except to the extent that in the

opinion of the court the application thereof would not be feasible or would work injustice, in which event the former rules shall govern.

D. Bankruptcy Exclusion. These rules do not apply in any case or proceeding which is pending in the Bankruptcy Court for this District. These rules do apply in any proceeding whose reference is withdrawn from the Bankruptcy Court to this Court, and to any proceeding on appeal from the Bankruptcy Court which is properly before this Court, except where these rules are inconsistent with the Federal Rules of Bankruptcy Procedure. (For District Court Bankruptcy Rules, see Order M-128).

E. Judicial Waiver. A judge may waive any requirement of these rules when the administration of justice requires such waiver.

F. Explanation of Numbering. Attorneys practicing in this court are required to abide by the Federal Rules of Civil Procedure as modified and supplemented by these Local Rules. The numbering scheme of the Local Rules tracks the numbers of the Federal Rules of Civil Procedure. By virtue of this numbering system, an attorney can tell very quickly whether there is a local rule which modifies or supplements a particular federal rule. For example, Rule 31 of the Federal Rules of Civil Procedure deals with interrogatories. The Local Rule dealing with interrogatories is numbered 31.1.

LOCAL RULE 1.2

AVAILABILITY OF THE LOCAL RULES

A. Availability. Hard or computer disc copies of these rules are available for a reasonable charge from the court clerk's office upon request. Every attorney, upon admission to the bar of this court, will be provided a copy of the local rules.

B. Notice of Amendment. When amendments to these rules are proposed, notice of such amendments and of the ability of the public to comment thereon shall be appropriately published.

LOCAL RULE 1.4

PROFESSIONAL CONDUCT EXPECTED

A. Officer of the Court. All attorneys admitted to practice before this court are officers of the court and shall assist the court in securing the just, speedy, and inexpensive determination of every action.

B. Unprofessional Conduct. The court may deal with unprofessional conduct in any manner deemed appropriate that is consistent with the Constitution and laws of the United States.

C. Ex Parte Communication Prohibited. Oklahoma Rule of Professional Conduct 3.5(b) prohibiting ex parte communication with judges shall be considered by the court to also prohibit ex parte communication with law clerks. Inquiries shall be made to the Clerk of this Court.

D. Summary Discipline. For disruptive misconduct in the presence of a district judge, an order may issue imposing such discipline as the court deems appropriate, including a fine of not to exceed five thousand dollars (\$5,000.00), confinement for not to exceed six (6) months, and temporary suspension. Summary discipline shall not include the right of the court to permanently suspend or disbar the offending lawyer.

E. Show Cause Procedure. Proceedings to discipline a member of the bar of this court, except as set forth in paragraph (D), shall be upon an order to show cause issued by a district judge reciting the charges, the place of the hearing, and the date and time of the hearing, which shall not be less than thirty (30) days from the date of the notice. The notice will set out such hearing procedures as may be reasonable and consistent with due process.

Discipline imposed by a single district judge following a show cause hearing may be appealed to the remaining active district judges of this court, sitting en banc. In order to allow an appeal, the discipline imposed will, upon request of the attorney and by the posting of a supersedeas bond in an amount to be fixed by the judge imposing the disciplinary action, be stayed for eleven (11) days. If no written appeal is filed within eleven (11) days, the discipline, as imposed, shall be administered. The en banc panel shall review all matters previously considered, and such additional matters as they shall permit. The en banc panel shall consider the matter de novo, including punishment.

F. Proceedings Before Magistrate Judges. Discipline may be imposed for unprofessional conduct before magistrate judges pursuant to the procedure set out in 28 U.S.C. § 636(e).

G. Discretionary Referral to Committee. The court may, in its discretion, refer any disciplinary matter to its Committee on Admissions and Grievances for investigation and recommendation to the court, either before or after the issuance of an order to show cause.

H. Referral to OBA. The court may refer to the Oklahoma Bar Association for disciplinary action any violation of the Oklahoma Rules of Professional Conduct by a member of the bar of this court.

I. Reinstatement. Any attorney disbarred or suspended pursuant to these rules may move the court for leave to petition for reinstatement. Reinstatement requires a majority vote of the judges of this court.

J. Disclosure of Professional Misconduct by Lawyers not a Member of the Bar of the Northern District of Oklahoma. Any lawyer not a member of the Bar of the Northern District of Oklahoma, upon application to practice pro hac vice, shall disclose to the court in writing any prior judicial or bar association determination of professional misconduct. The court, within its discretion, may deny pro hac vice status if such disclosure warrants, or revoke pro hac vice status for failure to fully disclose such information.

K. Senior Judges. On request of the chief judge, and agreement of the senior judge, a senior judge may act in the capacity of an active district judge in connection with any disciplinary or other matter where these rules specify a district judge.

LOCAL RULE 3.1

CIVIL COVER SHEET

Every complaint or other document initiating a civil action shall be accompanied by a completed civil cover sheet, on a form available from the court clerk. This requirement is solely for administrative purposes, and matters appearing on the civil cover sheet have no legal effect in the action. If the complaint or other document is filed without a completed civil cover sheet, it is subject to dismissal by the court, after notice and an opportunity to be heard is provided to the filing party. Persons filing civil cases pro se are exempt from the foregoing requirement.

LOCAL RULE 5.1

FILING WITH THE COURT

A. Where Filed. All pleadings, motions and other pertinent papers should be filed with the Clerk of the Court at 333 West Fourth Street, Room 4-411, Tulsa, Oklahoma 74103-3819.

B. Identification of Filing Attorney. All pleadings and motions shall have the signing attorney and firm name, address, telephone number, and state bar membership and number (if applicable) typed under the signature line.

C. Certificate of Service. All papers required to be served on opposing parties by Rule 5 of the Federal Rules of Civil Procedure shall contain a certificate of service setting forth the date and method of delivery.

D. Filing by Facsimile Not Routinely Permitted. Filing by facsimile machine with the Office of the Court Clerk will not be permitted, unless specifically allowed by order of the Court. When a facsimile filing is allowed, the Court may subsequently require substitution of the original signed document or pleading. Acceptance of pleadings by facsimile, if permitted, is always contingent upon the prior payment of all required filing fees.

E. Copies. Whenever parties or counsel request copies of pleadings or other documents filed with the Clerk, the statutory fee for each will be charged and paid in advance. Whenever copies are requested to be mailed, the requesting party or counsel will provide the Clerk with a pre-addressed, stamped envelope for such mailing, unless otherwise approved by the Clerk.

F. Fees Charged by Clerk. The clerk shall charge and collect filing fees and fees for services performed, as provided by the Judicial Conference of the United States. A fee schedule shall be maintained in the clerk's office. When pleadings are received for filing without the required fee, the clerk shall notify the filing party the pleadings will be received but not filed until the required fee is received or an order allowing the party to proceed in forma pauperis is obtained. When the filing fee or order is received, the clerk shall file the pleadings as of the date of receipt. A notice of appeal to the Tenth Circuit Court of Appeals shall be filed when received.

G. Marshal's Fees. In cases where the court has directed the marshal to make service of pleadings, the marshal shall be authorized to require from every party an advance deposit sufficient to cover all services to be performed on behalf of such party, except when on behalf of the United States.

LOCAL RULE 6.1

TIME

A. Computation. When the prescribed time period is less than eleven (11) days, it shall be computed pursuant to Rule 6(a) of the Federal Rules of Civil Procedure.

B. Extension of Time. The Clerk of this Court may grant the defendant the first extension of time, not to exceed fifteen (15) days, in which to respond to the complaint.

LOCAL RULE 7.1

MOTION PRACTICE

- A. **Filing.** The original motion shall be filed with the clerk of the district court.
- B. **Brief Required.** Each motion filed shall set out the specific point or points upon which the motion is brought and shall be accompanied by a concise brief, unless the motion is unopposed or does not call for the citation of legal authorities. A motion and its accompanying brief may be incorporated into one document.
- C. **Response Briefs.** Response briefs shall be filed within fifteen (15) days after the filing of the motion. Failure to timely respond will authorize the court, in its discretion, to deem the matter confessed, and enter the relief requested.
- D. **Reply Briefs.** Reply briefs regarding new matter in the response brief may be filed within eleven (11) days after the filing of the response. After the filing of the reply or the expiration of eleven (11) days, the motion will be deemed ripe for ruling. By order, the Court may reduce this time.
- E. **Statement of Objections Required on First Page.** Prior to filing any non-dispositive motions, counsel for the involved parties must confer in good faith and determine if the matter can be resolved by agreement. The first page of any non-dispositive motion shall state whether or not any opposing counsel objects to the motion. The motion shall not be considered without this statement, unless the court excuses this requirement in the interest of justice.
- F. **Proposed Order.** A proposed order granting the requested relief shall be submitted to the court clerk when the motion is filed.
- G. **Motions to Consolidate.** A motion to consolidate shall be addressed, in the first instance, by the judge to whom the lowest numbered case in the proposed consolidation is assigned. Copies of the motion shall be filed in each case sought to be consolidated.
- H. **Motions in Limine.** Motions in limine shall be filed at least 30 days prior to trial, unless otherwise ordered by the court.

LOCAL RULE 7.2

BRIEFS

- A. **Filing.** The original brief shall be filed with the clerk of the district court.
- B. **Title.** Each brief shall be clearly entitled to show whether it is opening, response or reply; the particular motion or proceeding to which it relates; and the party or parties on whose behalf it is presented.
- C. **Page Restriction.** Opening and response briefs, exclusive of attachments or appended materials, shall not be more than twenty-five (25) pages in length, without permission of the court. Reply briefs, addressed only to new matter in the response brief, shall not be more than ten (10) pages in length, exclusive of attachments or appended materials, without permission of the court.
- D. **Single Motion and Brief.** Page limitations established by these rules may not be evaded by the filing of multiple motions and briefs. The practice of filing multiple motions for partial summary judgment which are collectively intended to dispose of the case (as opposed to one comprehensive motion for summary judgment) in order to evade brief page limitations is specifically prohibited.
- E. **Briefing Rounds Restricted.** Only opening, response and reply briefs are permitted and no further briefs shall be filed without prior authorization by the court.
- F. **Index.** Briefs exceeding fifteen (15) pages in length shall be accompanied by an indexed table of contents showing headings or subheadings and an indexed table of statutes, rules, ordinances, cases, other cited authorities, and exhibits.
- G. **Reference to Parties.** If there are multiple parties plaintiff or defendant, or if there are cross-claimants or intervenors, references to them shall include the name (which may be abbreviated) of the particular party to whom reference is made.
- H. **Ordinances and Regulations.** If the ordinance of any city or town or regulation of any government authority having the force of law is cited or quoted in a brief, a copy of that order or regulation shall be appended.
- I. **Statutes Foreign to the Jurisdiction.** If a statute of any state or country foreign to the jurisdiction of the court is cited or quoted in a brief, a copy of that statute shall be appended.
- J. **Confessions.** Response briefs which are confessions of motions or which render motions moot must be styled as such.
- K. **Only Record Considered.** Statements or documents referred to in briefs, but not contained in the record, shall not be considered by the court.

LOCAL RULE 9.1

SOCIAL SECURITY NUMBER IN SOCIAL SECURITY CASES

Any person seeking judicial review of a decision of the Secretary of Health and Human Services under § 205(g) of the Social Security Act (42 U.S.C. § 405(g)) shall provide, on the face sheet of the complaint, the social security number of the worker on whose wage record the application for benefits was filed.

LOCAL RULE 9.2

REQUEST FOR THREE-JUDGE COURT

A. Form of Request. In any action or proceeding which a party believes is required to be heard by a three-judge district court, the words "Three-Judge District Court Requested" or the equivalent shall be included immediately following the title of the first pleading in which the cause of action requiring a three-judge court is pled. Unless the basis for the request is apparent from the pleading, it shall be set forth in the pleading or in a brief statement attached thereto. The words "Three-Judge District Court Requested" or the equivalent on a pleading is a sufficient request under 28 U.S.C. § 2284.

B. Special Filing Requirement. In any action or proceeding in which a three-judge court is requested, parties shall file the original and three copies of every pleading, motion, notice, or other document with the clerk until it is determined either that a three-judge court will not be convened or that the three-judge court has been convened and dissolved, and the case remanded to a single judge. The parties may be permitted to file fewer copies by order of the court.

LOCAL RULE 9.3

PRISONER PETITIONS

A. Forms to be Used. All petitions for writ of habeas corpus, motions, and civil rights complaints shall be on the applicable form and shall comply with the Local Rules and Information and Instructions. The clerk will provide the applicable form and Information and Instructions upon request.

B. Service on Respondents. Upon filing of a petition or motion for post-conviction relief contemplated by this rule, the clerk shall serve by mail a copy of the petition or motion, together with a notice of its filing, on the Oklahoma Attorney General and the Attorney General of any other state involved, or the United States Attorney for the Northern District of Oklahoma.

C. Amended Pleadings. Original proposed amended pleadings shall be signed and attached to any motion for leave to amend the pleading. Unless otherwise permitted by the court, every pleading to which an amendment is permitted as a matter of right or has been allowed by order of the court must be retyped or handwritten and filed so that it will be complete in itself including exhibits, without reference to the superseded pleading. All amended pleadings shall contain copies of all exhibits referred to in such amended pleading.

LOCAL RULE 9.4

NOTICE OF BANKRUPTCY FILING

Whenever there shall be filed a bankruptcy proceeding by or against a party to any pending civil suit, counsel for the bankruptcy debtor shall, within five (5) days after the filing, file with the court clerk a written notice fully describing the pertinent bankruptcy proceeding. If such filing is not forthcoming, any other party or counsel aware of such bankruptcy proceeding shall promptly provide such information.

LOCAL RULE 10.1

FORM OF PLEADINGS

A. Form. All pleadings, motions, affidavits, briefs, points of authorities, and other documents presented for filing shall be on 8 ½ x 11 white, opaque paper of good quality and shall be plainly typewritten, printed, or prepared by a clearly legible duplicating or facsimile process without interlineations. The text shall be double-spaced in a font or typeface that contains no more than 12 characters per inch, except for quoted material, which may be single-spaced. Each page shall be numbered consecutively. The text of footnotes may be single-spaced in a font or typeface that contains no more than 12 characters per inch. This rule is not intended to prohibit the appropriate use of scalable fonts. Documents should be two-hole punched in the center of the top margin.

B. Exhibits. Documents filed in removed actions prior to removal and exhibits presented for filing are exempt from this requirement.

LOCAL RULE 16.1

(Pursuant to General Order 01-02, filed 3-26-01)

LCvR16.1 Pretrial Procedures.

(a) Scheduling and Planning.

1. Joint Status Report. In all cases, trial counsel for all parties, and pro se parties, if any, shall confer and prepare a Joint Status Report for submission to the Court, in accordance with Fed. R. Civ. P. 26(f), using a Joint Status Report form available in court Clerk's office. The Court will ordinarily order the filing of a Joint Status Report by a date certain. However, if the Court fails to order the submission of a Joint Status Report by a date certain, the Report shall be submitted no later than 120 days from the date the case was filed, or 90 days from the date the case was removed. For purposes of preparing a Joint Status Report, counsel, and pro se parties, if any, shall confer at least 14 days prior to the date the Report is to be submitted.

2. Required Attendance at Conference. Counsel with authority to make appropriate decisions and pro se litigants shall attend any conference required by the Court. When justified by the circumstances, the Court may allow counsel or pro se litigants to participate in such conference by telephone. Pro se litigants and counsel shall be prepared to discuss all relevant matters enumerated in Fed. R. Civ. P. 16(c).

(b) Pretrial Responsibilities.

1. Preparation of Status Reports, Final Pretrial Orders, and Other Orders.

(a) Unless otherwise ordered by the Court, counsel for the plaintiff, with full and timely cooperation of other counsel and pro se parties, is responsible for preparing, obtaining approval of all parties, and furnishing the Court any status reports, pretrial orders or other orders required by the Court or these local rules.

(b) The clerk who keeps the minutes of the scheduling and planning conference shall have forms available, whereby the time and/or date fixed by the Court for the performance of specified duties may be inserted. Upon request, counsel will be supplied with a copy of such form so that they may make their own notations of deadlines and of other orders prescribed by the judge presiding over the conference. Such executed form, when approved by the Court and filed, shall constitute the order of the Court as to such schedules without the necessity of filing any other order to the same effect. Unless otherwise directed by the assigned judge, the form and content of a jointly prepared, proposed, final Pretrial Order, conforming to the sample form, shall be tendered to the Court by plaintiff's counsel seven (7) days in advance of the pretrial conference, unless otherwise ordered by the Court. Plaintiff's counsel shall provide to the Court copies of the Final Pretrial Order, sufficient to supply all parties with a file stamped copy.

2. Default. Failure to prepare and file a required Joint Status Report, failure to comply with the Final Pretrial Order, failure to appear at a conference, appearance at a conference substantially unprepared, or failure to participate in good faith may result in any of the following sanctions: the striking of a pleading, a preclusion order, stay of the proceeding, default judgment, assessment of expenses and fees (either against a party or the attorney individually), or such other order as the Court may deem just and appropriate.

LOCAL RULE 16.2

(Pursuant to General Order 01-02, filed 3-26-01)

LCvR16.2 Settlement Conferences.

(a) **Purpose.** The purpose of the settlement conference is to permit an informal discussion between the attorneys, parties, and the settlement judge on every aspect of the case bearing on its settlement value in an effort to resolve the matter before trial.

(b) **Referral and Scheduling the Settlement Conference.** All civil cases set on a trial docket are automatically set for settlement conference before the settlement judge. Also the Court may, upon its own motion or on the request of any of the parties, set a settlement conference at any practicable time. Form settlement conference orders shall be available from the Court Clerk. The terms of the settlement conference order govern the procedures for the settlement conference. The assigned district judge may, in his or her discretion, require that the parties pay for a settlement conference in any reasonable manner or amount.

(c) **Settlement Judges.** A district judge other than the judge assigned to the case, a magistrate judge, or an adjunct settlement judge designated by the Court, will normally preside at the settlement conference. The settlement judge will take no part in adjudicating the case subsequent to the settlement conference. Adjunct settlement judges shall be selected by the Court from among members of the bar in good standing and chosen based upon their expertise, experience, actual and apparent impartiality, reputation for fairness, training, and temperament. They shall be invited to serve without compensation and commit to conduct a minimum of six settlement conferences per year. Any party or counsel of record may move to disqualify the assigned settlement judge pursuant to 28 U.S.C. § 455, other applicable law or professional responsibility standards. No adjunct settlement judge may be called as a witness, except as requested by a judge of this Court. In that instance, the adjunct settlement judge shall not be deposed, and shall testify as the Court's witness. In cases where the settlement effort is expected to be extensive, or in connection with discovery matters, the Court may appoint an adjunct settlement judge as a special project settlement or discovery judge, and order the parties to pay for his or her time at a reasonable hourly rate. Such payment shall be apportioned between the parties as agreed, or by the Court on an equitable basis.

(d) **Attendance Requirements.** The lead attorney who will try the case for each party shall appear, and shall be accompanied by one with full settlement authority. The latter will be the parties if natural persons, or representatives of parties which are not natural persons, but may not be counsel (except in-house counsel) or a person who is not directly or actively associated with the party or parties. Other interested entities such as insurers or indemnitors shall attend and are subject to the provisions of this Rule. Governmental entities and boards shall send a representative and counsel who, together, are knowledgeable about the facts of the case and the governmental unit's or board's position, and have, to the greatest extent feasible, authority to settle.

Only the settlement judge may excuse attendance of any attorney, party or party representative. Any party excused from appearing in person shall be available to participate by telephone, if required. Failure to attend the settlement conference or failure to cooperate fully, may result in the imposition of sanctions in accordance with LCvR16.1(b)(2) and Fed. R. Civ. P. 16(f).

(e) **Governmental Entities.** In the event a governmental entity which is a party determines that it will be unable to provide a representative with full settlement authority at the

settlement conference, the governmental entity shall promptly move for leave to proceed with a representative with limited authority. The motion shall be filed and delivered to the settlement judge no later than eleven (11) days prior to the conference and shall contain: (1) the reasons which make it impracticable for a party's representative to appear with full settlement authority; (2) a detailed description of the limited authority to be exercised at the conference; and (3) alternative proposals by which full authority may be exercised at or subsequent to the conference.

Upon consideration of the motion, the settlement judge may allow the governmental entity to appear with limited authority or may, notwithstanding the motion, require appropriate persons to appear as may be necessary to have full settlement authority at the conference. Any adjunct settlement judge may defer such determination to the magistrate judge or district judge then supervising the adjunct settlement judge program.

(f) Submission of Written Settlement Conference Statements. A settlement statement shall be submitted to the settlement judge and served on opposing counsel at least seven (7) days preceding the date of the settlement conference unless otherwise ordered by the Court. It shall concisely summarize the parties' claims/defenses/counterclaims, etc., the parties' views concerning factual issues, issues of law, liability, damages or relief requested. The statement shall not exceed five (5) pages in length, shall conform to the format requirements set forth in the Local Rules, , but shall not be filed in the case or made part of the Court file.

(g) The Settlement Conference Process. Prior to settlement conference, the parties shall discuss settlement with their respective clients and opposing counsel (or pro se parties) so that the issues and bounds of settlement have been explored in advance of the settlement conference.

The parties, their representatives and attorneys are required to be completely candid with the settlement judge so that the judge may properly guide settlement discussions. Pertinent evidence to be offered at trial, documents or otherwise, may be brought to the settlement conference for presentation if particularly relevant.

(h) Authority of Settlement Judge. The settlement judge may excuse attendance of any attorney, party or party's representative; meet jointly or individually with counsel, alone or with parties or persons or representatives interested in the outcome of the case without the presence of counsel; and issue such other and additional requirements as shall seem proper, including follow-up sessions telephonically or otherwise, in order to expedite an amicable resolution of the case.

(i) Confidentiality. The settlement judge, all counsel and parties, and any other persons attending the settlement conference shall treat as confidential all written and oral communications made in connection with or during any settlement conference. Neither the settlement conference statements nor communications during the conference with the settlement judge may be used by any party in the trial of the case. No communication relating to or occurring at a court-ordered settlement conference may be used in any aspect of any litigation except proceedings to enforce a settlement agreed to at the conference.

(j) Conclusion of the Settlement Conference. At the conclusion of the settlement conference, the settlement judge shall notify the Court whether the case did or did not settle. If the case settled, counsel shall prepare and file the appropriate dismissal or closing papers.

(k) Other Alternative Methods. The Court may, in its discretion, set any civil case for summary jury trial, mini-trial, executive summary jury trial (summary jury trial where chief

executive officers of corporate parties participate as part of a three-judge trial panel), mediation, arbitration, or other method of alternative dispute resolution as the Court may deem proper, so long as due process is not abrogated or impaired.

LOCAL RULE 23.1

DESIGNATION OF "CLASS ACTION" IN THE CAPTION

In any case sought to be maintained as a class action, the complaint, or other pleading asserting a class action, shall include in its caption the words "Class Action".

LOCAL RULE 24.1

PROCEDURE FOR NOTIFICATION OF ANY CLAIM OF UNCONSTITUTIONALITY

In any action, suit, or proceeding in which the United States or any agency, officer, or employee thereof is not a party and in which the constitutionality of an Act of Congress affecting the public interest is challenged or in any action, suit, or proceeding in which a state or any agency, officer, or employee thereof is not a party and in which the constitutionality of any statute of that state affecting the public interest is challenged, the party raising the constitutional issue shall notify the court of the existence of the question by separate pleading. See Rule 24(C) of the Federal Rules of Civil Procedure.

LOCAL RULE 26.1

(Pursuant to General Order 01-02, filed 3-26-01)

LCvR26.1 Compliance with Requirements Under Fed. R. Civ. P. 26.

(a) **Initial Disclosures.** Parties shall make the initial disclosures required by Fed. R. Civ. P. 26(a)(1) unless in the Joint Status Report required by LCvR 16.1 they specifically stipulate to waive initial disclosures.

(b) **Implementation.** The Court shall from time to time promulgate such rules as may be necessary to implement the mandatory disclosure requirements in Fed. R. Civ. P. 26(a). These rules will be available in the Court Clerk's office and on the Court's website at www.oknd.uscourts.gov

LOCAL RULE 26.2

(Pursuant to General Order 01-02, filed 3-26-01)

LCvR 26.2 Disclosure of Insurance Agreements.

A party shall, without awaiting a discovery request, provide any insurance agreement to the other parties under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy such a judgment. Full and complete copies of such insurance agreements shall be served on all other parties along with the disclosing party's answer, reply, or motion filed pursuant to Rule 12(b) of the Federal Rules of Civil Procedure.

LOCAL RULE 26.3

(Pursuant to General Order 01-02, filed 3-26-01)

LCvR26.3 Discovery Material Not to be Filed.

Depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed with the Clerk unless on order of the Court or unless they are attached to a motion, response thereto, or are needed for use in a trial or hearing.

LOCAL RULE 26.4

(Pursuant to General Order 01-02, filed 3-26-01)

LCvR26.4 Privilege Log.

(a) In accordance with FED.R.CIV.P. 26(b), when a claim of privilege or work product protection is asserted in response to a discovery request for documents, the party asserting the privilege or protection shall provide the following information with respect to each document in the form of a privilege log: the type of document; the general subject matter of the document; the date of the document; the author of the document, whether or not the author is a lawyer; and each recipient of the document. This rule shall apply only to document requests.

(b) If information called for by one or more of the foregoing categories is itself privileged, it need not be disclosed. However, the existence of the document and any non-privileged information called for by the other categories must be disclosed. This rule requires preparation of a privilege log with respect to all documents withheld on the basis of a claim of privilege or work product protection except the following: written communications between a party and its trial counsel after commencement of the action and the work product material created after commencement of the action.

LOCAL RULE 30.1

DEPOSITIONS

A. Reasonable Notice. "Reasonable notice" as contemplated by Rule 30(b)(1), Federal Rules of Civil Procedure, for the taking of depositions, after thirty (30) days from service of summons, shall be five (5) days, subject, however, to an order of the court entered for cause shown enlarging or shortening the time. Rule 6, Federal Rules of Civil Procedure, shall govern the computation of time.

B. Handling. Depositions in pending cases which have been duly filed in the office of the clerk, pursuant to an exception to paragraph (B) of Local Rule 26.1, may be opened by the court at any time or by the clerk for examination upon oral or written application of any attorney of record in the case.

C. Maintenance. Each attorney or pro se party shall maintain the originals of depositions they notice or initiate by agreement.

D. Certified Copies Substituted. Upon a showing that an original deposition is unavailable, a certified copy may be substituted.

E. Depositions Generally. Depositions as provided in Fed.R.Civ.P. 30 are authorized. Counsel shall personally meet as required by Local Rule 37.1 and attempt to resolve any disputes concerning objections to the taking of or objections made during the deposition, including transcript preparation, before presenting such unresolved issues to the court.

F. Length of Depositions. No deposition shall extend beyond six hours in length, beyond 5:00 p.m., or be taken on a weekend or holiday without an agreement in writing signed by all interested attorneys or acknowledged on the record by all interested attorneys or an order of the court. Extensions of this time limitation shall be freely given in the event of obstructive or uncooperative conduct on the part of the witness or opposing counsel, or otherwise in the interests of justice.

G. Number of Depositions. No more than ten (10) depositions per side shall be taken in any case, without an order of the court permitting additional depositions.

H. Procedure for Designation of Deposition Testimony for use at Trial. Deposition designations and counter-designations should be made by highlighting a copy of the transcript in different colors. No objection to any designation or counter-designation shall be considered by the court until a good faith effort to resolve such objections by means of a personal meeting between counsel has been conducted. Subsequent to this meeting, any remaining evidentiary objections may be annotated in the margins of the highlighted transcript, so that the court may easily consider them in context. Objections arising out of the procedural history of a particular case or stemming from the law of the case may be supported by an optional supplemental brief, which may then be submitted to the court with the annotated transcript. Rulings on objections to designated or counter-designated testimony will ordinarily be made by the assigned magistrate judge. A high degree of cooperation between counsel is expected to minimize the number of objections.

LOCAL RULE 33.1

INTERROGATORIES

A. Limited to Twenty-Five (25). The number of interrogatories served on a party

by another party in any one case shall not exceed twenty-five (25) in number. Interrogatories inquiring as to the existence, location, and custodian of documents or physical evidence shall be construed as one interrogatory. All other interrogatories, including subdivisions of one numbered interrogatory, shall be construed as separate interrogatories. No further interrogatories will be served unless authorized by the court.

B. Additional Interrogatories by Stipulation and Order. If counsel for a party believes that more than twenty-five (25) interrogatories are necessary, then counsel shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional interrogatories. In the event such a stipulation is agreed upon, it shall be filed, together with a proposed order. In the event a written stipulation cannot be agreed upon, the party seeking to submit such additional interrogatories shall file a motion with the court (1) showing that counsel have conferred in good faith, but sincere attempts to resolve the issue have been unavailing, (2) showing reasons establishing good cause for their use, and (3) setting forth the proposed additional interrogatories.

LOCAL RULE 37.1

INFORMAL CONFERENCE TO SETTLE DISCOVERY DISPUTE

A. Conference Required. Regarding all motions relating to discovery pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, the court will refuse to hear any such motion, unless counsel for movant first advises the court in writing that the lawyers have personally met and conferred in good faith, but that, after a sincere attempt to resolve differences has been made, they have been unable to reach an accord. However, no personal conference shall be required where the movant's counsel represents to the court in writing that counsel have conferred by telephone and the distance between counsels' offices renders a personal conference not feasible. An exchange of correspondence alone does not satisfy this requirement.

B. Unprofessional Conduct Exception. An opposing counsel's repeated failure to communicate in connection with discovery disputes will be viewed as unprofessional conduct on the part of that attorney. A demonstration of such unprofessional conduct, deemed sufficient by the court and contained in a motion to compel, will satisfy the requirements of paragraph A.

C. Pro Se and Non-Party Exception. Unless otherwise ordered by the court, the conference and statement requirements in paragraph (A) do not apply to motions brought by a person appearing pro se or those brought pursuant to Rule 45(d) of the Federal Rules of Civil Procedure by a person who is not a party.

LOCAL RULE 37.2

DISCOVERY ENFORCEMENT

A. Disposition of Discovery Matters by Magistrate Judge. Unless otherwise directed by a district judge, disposition of all discovery matters shall be by order of the magistrate judge. Magistrate judge's orders shall remain in full force and effect as an order of the court until reversed or modified by a district judge. A "clearly erroneous or contrary to law" standard of review shall be applied when reviewing magistrate judge's discovery orders, as provided by 28 U.S.C. § 636(b)(1)(A).

B. Expedited Hearings. A magistrate judge may expedite discovery matters by means of telephone conferences or emergency hearings. Where exigent circumstances are present, verbal or telephonic requests for an expedited hearing may be made through the office of the court clerk or directly to a magistrate judge's office. Ex parte communication with a magistrate judge will not be permitted.

C. Routine Matters. Discovery matters which are not time sensitive or of an emergency nature shall be handled in due course by consideration of appropriate written motions.

D. Requests and Responses Must be Submitted. The opening brief in support of a discovery motion filed pursuant to Rules 26 through 37 of the Federal Rules of Civil Procedure shall include a verbatim recitation of each interrogatory, request, answer, response, and objection which is the subject of the motion or a copy of the actual sets of interrogatories and/or discovery requests and responses containing items which are the subject of the motion.

E. Adjunct Settlement Judges. In appropriate cases adjunct settlement judges (See Local Rule 16.3 (G)) may be appointed on a special project basis to make findings and recommendations to the assigned magistrate judge and/or district judge in connection with discovery matters.

LOCAL RULE 38.1

NOTATION OF JURY DEMAND IN THE PLEADING

A. Jury Demand. If a party demands a jury trial by endorsing it on a pleading, as permitted by Rule 38(b) of the Federal Rules of Civil Procedure, a notation shall be placed on the front page of the pleading, immediately following the title of the pleading, stating "Jury Trial Demanded." This notation will serve as a sufficient demand under Rule 38(b). See Local Rule 81.2 relative to removed cases.

B. Assessment of Jury Costs. Notice of settlement or other disposition of a case other than by trial must be timely given to the clerk of the court to avoid unnecessary expense regarding the appearance of jurors. Upon failure to give the required timely notice, the court may, in an appropriate case, assess jury costs against the parties and/or counsel. Any monies collected as a result of said assessment shall be paid to the clerk for transmittal to the Treasury of the United States.

LOCAL RULE 40.1

ASSIGNMENT OF CASES

A. Random Assignment of District Judges. To the extent possible, both criminal and civil cases will be assigned to district judges by random selection. Work parity will be maintained among active judges, and senior judges will be provided the opportunity to participate in the court's business. The distribution of cases shall be determined by a majority of the active district judges. In the event of a caseload imbalance, the chief judge should call a conference of the active district judges to discuss and vote upon appropriate methods of redistribution. Grand jury supervision shall be assigned equally among the active judges and shall rotate among the judges a month at a time.

B. Random Assignment of Magistrate Judges. A magistrate judge shall be randomly assigned to each civil case at the time the case is filed.

C. Wheel of Assignment Cards. The clerk shall maintain wheel of assignment cards in sufficient number and distribution to assure the randomness of both district and magistrate judge assignments.

D. Capital Cases. Habeas corpus death penalty cases brought pursuant to 28 U.S.C. §§ 2254 or 2255 shall be assigned exclusively to district judges. A separate wheel of assignment shall be maintained for such cases to insure their random and equal distribution amongst the active district judges of this court, or senior judges with their consent.

LOCAL RULE 40.2

TRIAL CALENDAR

A. Trial on Merits. All civil cases shall be set for trial on the merits on reasonable notice to counsel of record at times to be designated by the court.

B. En Banc. In cases involving issues of great public interest or of first impression, the court may sit and consider same en banc.

LOCAL RULE 41.0

ADMINISTRATIVE CLOSURE

A judge may direct the clerk to close a civil action administratively, subject to reopening for good cause.

LOCAL RULE 43.1

LISTS OF WITNESSES AND EXHIBITS AT TRIAL

A. List of Witnesses. At the commencement of the trial of a civil case, counsel shall submit to the judge, the courtroom deputy, the court reporter, and opposing counsel a typewritten list of the witnesses they expect to call, including known rebuttal witnesses, in the order they are expected to be called. During trial, counsel will advise opposing counsel, by noon of the day preceding, of the witnesses to be called the following day.

B. List of Trial Exhibits. At the commencement of a trial, the attorneys shall submit to the judge, the courtroom deputy, the court reporter, and opposing counsel a typewritten list of the exhibits they plan to introduce, designated by trial exhibit numbers, which should correspond to the exhibit numbers contained in the agreed pretrial order. At the beginning of each party's case in chief, the court will admit into evidence, in blanket form, all exhibits offered to which there are no objections.

C. Lists to Assist Jury Deliberations.

1. Witnesses Called. Upon completion of a trial where six or more witnesses have testified, the parties shall jointly provide a list of witnesses who testified to the courtroom deputy who will provide it to the jury to assist in their deliberations.
2. Exhibits Received. Upon completion of a trial where six or more exhibits have been received into evidence, the parties shall each provide the courtroom deputy with a list showing their admitted exhibits. The courtroom deputy shall then provide these lists to the jury to assist in their deliberations.

LOCAL RULE 47.1
(Pursuant to General Order 01-03, filed 4-27-01)

RANDOM SELECTION OF GRAND AND PETIT JURORS

A. Adoption of Plan. Pursuant to the Jury Selection and Service Act of 1968 (Public Law 90-274) (“the Act”) the following plan is hereby adopted by this court, subject to approval by the Tenth Circuit Judicial Council and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

B. Applicability of Plan. This plan is applicable to the Northern District of Oklahoma, which consists of the following counties: Craig, Creek, Delaware, Nowata, Mayes, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington.

C. Policy. It is the policy of this court that all litigants entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross-section of the community that constitutes the Northern District of Oklahoma, and that all citizens shall have the opportunity to be considered for service on grand and petit juries and shall be obligated to serve as jurors when summoned, unless excused for valid reasons by the court.

D. Management and Supervision of Jury Selection Process. This Plan shall be managed by the Clerk of the Court under the supervision and control of the Chief Judge or such other judge as may be designated to perform these duties.

Whenever used in the Plan, the terms “Clerk” and “Clerk of the Court” shall mean the Clerk of the District Court, any authorized Deputy Clerk, or any other person authorized by the Court to assist the Clerk in performance of functions under this Plan.

The Court finds that the electronic data processing methods can be advantageously used for managing this Plan. Therefore, a properly programmed electronic data system, or a combination system employing both manual and electronic machine methods, will be used to, select Master Jury Wheel names, select names of persons to be sent questionnaires, select names of persons in the qualified jury wheel and supplemental qualified jury wheel to be summoned and to perform other clerical and record-keeping functions as the Court deems necessary.

E. Random Selection From Actual Voter Lists And Supplementation from Driver License List of Tulsa County. Actual voter lists with supplementation from the driver license list of Tulsa County represent a fair cross-section of the community in the Northern District of Oklahoma. Accordingly, names of grand and petit jurors shall be selected at random from the actual voter lists of all the counties within the district as supplemented by the driver license list of Tulsa County.

In order to establish a Master Jury Wheel of randomly selected names of prospective jurors, the Clerk shall determine the aggregate number of individuals on the actual voter lists for the last general election in each county of this district, and further determine the number of individuals on the driver license list of Tulsa County. The Court shall build 50% of its Master Jury Wheel from the actual voter lists and 50% of the Master Jury Wheel from the driver license list of Tulsa County. For example, if the Court needs 30,000 names for the

Master Jury Wheel, the Clerk will obtain 15,000 names from the actual voter lists and 15,000 names from the driver license list of Tulsa County. When a name is duplicated in both the Master Jury Wheel and the Supplemental Jury Wheel, the name will be purged from the Supplemental Wheel.

In this example, the 15,000 names drawn from the actual voter lists will comprise the primary source of names within this district. The 15,000 names drawn from the driver license list of Tulsa County will comprise a supplementary source of names in order to foster the policy and protect the rights secured by Sections 1861 and 1862 of Title 28 of the United States Code.

The Clerk is authorized to accept the voluntary assistance of the Secretary of the State Election Board and the Commissioner of Public Safety in accomplishing the requirements of this section, provided such Secretary certifies the names furnished were selected in the manner herein prescribed. The Clerk is authorized to use qualified non-court personnel to create the Master Wheel.

F. Master Jury Wheel. The Court Clerk shall maintain a Master Jury Wheel or a device similar in purpose and function for the district. The names of all persons randomly selected from the actual voter lists of the counties in the district and from the driver license list of Tulsa County shall be placed in the Master Jury Wheel. Pursuant to 28 U.S.C. §1863(b)(4), the minimum number of names to be placed initially in the Master Jury Wheel shall be one-half of one percent of the total number of persons on the lists used as a source of names for the district, but in no event shall that number be less than 1,000.

The Master Jury Wheel shall be emptied and refilled between March 1 and June 30 of the year following a general presidential election and every four years thereafter. The Chief Judge or the Judge designated by the Chief Judge may order additional names to be placed in the Master Jury Wheel, as herein provided, from time to time when necessary. In the event that the Master Jury Wheel is not emptied and refilled within the time as herein provided, the current Master Jury Wheel shall continue to serve until it is properly refilled as herein provided.

After the Master Jury Wheel is refilled, the Court shall construct a Qualified Jury Wheel and a Supplemental Qualified Jury Wheel in the manner provided in subparagraph G below. This will be done at periodic intervals as may be required to maintain an adequate number of names in the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel. A juror qualification form will then be mailed to each of those persons with instructions to fill out and return duly signed and sworn to, to the Court Clerk by mail within ten (10) days in order to elicit the information necessary to determine whether a person is qualified for, exempt from, or may be excused from jury service.

G. Qualified Jury Wheel. The names of those persons deemed qualified from the actual voter list shall be placed in a Qualified Jury Wheel and the names of those persons deemed qualified from the driver license list at Tulsa County shall be placed in a Supplemental Qualified Jury Wheel. Prospective jurors will be drawn at random from each wheel in a proportion to be determined by the Court from time to time. For example, prospective jurors may be selected by drawing three names from the Qualified Jury Wheel and one name from the

Supplemental Qualified Jury Wheel. The prospective jurors whose names have been drawn shall be summoned to appear for a time certain as may be designated by the Chief Judge or the Judge designated by the Chief Judge.

The Court Clerk shall draw at random from the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel for this district such number of names of persons as are necessary to be summoned for the petit jury panels and prepare a list of the names drawn. Grand jurors shall be drawn from the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel as ordered by the court.

Until they have made an appearance the names of persons summoned for grand or petit jury service shall not be made public, unless a judge of this court shall otherwise direct.

The contents of records or papers used by the Court Clerk in connection with the jury selection process shall not be disclosed, except upon order of the court as may be necessary in the preparation or presentation of a motion challenging compliance with the selection procedures of this plan. The parties in a case shall be allowed to inspect, reproduce, and copy such records or papers at all reasonable times during the preparation and pendency of such motion. Any person who discloses the contents of any record or paper shall be subject to penalty, as provided in the Jury Selection and Service Act of 1968 as amended.

The Court Clerk or the Clerk's duly designated deputies shall issue summonses for the required number of jurors, to be served in the manner prescribed in 28 U.S.C. §1866(b). There shall be no jury commission in this District.

When there is an unanticipated shortage of available petit jurors drawn and summoned from the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel, the court may require the marshal to summon a sufficient number of petit jurors selected at random from available citizens listed either on the actual voter lists for the District or the driver license list of Tulsa County, or both in the manner ordered by the court who are found to be qualified by the court.

The names of persons drawn for the trial of a case who may be excused or not used for any reason shall be placed back in the jury pool. The names of the trial panel at the completion of the trial may also be placed back in the jury pool for subsequent cases. The procedure is to be repeated for each subsequent case tried at each session of court.

H. Determination of Qualifications For, and Exemption or Excuse From, Jury Service. Upon the initiative of the Chief Judge or any judge of the court, or upon recommendation of the Court Clerk, the judge or his designee shall determine, solely on the basis of information provided on the juror qualification form and other relevant information, whether a person is unqualified for, exempt from, or to be excused from jury service.

I. Excuses and Exemptions. In making such determination, the Chief Judge or any judge of this court shall deem any person qualified to serve on grand and petit juries in the district unless the person:

1. is not a citizen of the United States, is not eighteen years old, or has not resided for a period of one year within the judicial district;
2. is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;
3. is unable to speak the English language;
4. is incapable, by reason of mental or physical infirmity, to render satisfactory jury service, or
5. has a charge pending against him or her for the commission, or has been convicted in a state or federal court of record, of a crime punishable by imprisonment for more than one year and his or her civil rights have not been restored.

J. Exemption from Jury Service. The court finds that exemption of the following groups of persons or occupational classes is in the public interest and would not be inconsistent with the Act, and accordingly members of such groups are barred from jury service:

1. members in active service in the Armed Forces of the United States;
2. members of the fire or police departments of any state district, territory, possession or subdivision thereof;
3. federal or state "public officers" in the executive, legislative or judicial branches of the government of the United States, or any state, district, territory, or possession or subdivision thereof, who are actively engaged in the performance of official duties. Public officer shall mean a person who is either elected to public office or directly appointed by a person elected to public office.

K. Excuses on Individual Request. The court finds that jury service by members of the following occupational classes or groups of persons may entail undue hardship or extreme inconvenience to the members thereof, and the excuse of such members will not be inconsistent with the Act and shall be granted upon individual request:

1. persons over seventy (70) years of age;
2. persons who have legal custody of a child or children under the age of ten (10) years, and it is essential they remain in the home for child care;
3. persons who have served as a grand or petit juror in federal court within the past two years;
4. students in actual attendance at a university, college, academy, or other school having a regular schedule of classes;
5. volunteer safety personnel (fire fighters, rescue squad, or ambulance crew) for a public agency.

The Court Clerk is authorized to grant temporary excuses to prospective jurors on the grounds of undue hardship or extreme inconvenience for such period as the Court Clerk deems necessary, at the conclusion of which such person shall be summoned again for jury service.

L. Challenges to the Selection Procedure. Any challenge to this Plan or the Court's compliance with the provisions of this Plan or compliance with the provisions of the Jury Selection and Service Act of 1968 shall be made within the times and manner provided in 28

U.S.C. §1867.

LOCAL RULE 47.2

COMMUNICATION WITH JURORS

No person shall communicate with any juror concerning said juror's service in any trial prior to the juror's discharge from the case. Upon discharge from service, each juror is free to discuss, or refuse to discuss, said juror's service with any person if the juror so desires. Attorneys who are officers of this court and those acting on behalf of such attorneys are prohibited from approaching jurors in any matter at any time concerning said juror's service, except on leave of court upon a showing of good cause. This restriction shall not apply to jurors selected in summary jury trials conducted in connection with a court-supervised settlement effort.

LOCAL RULE 48.1

CIVIL JURIES

In all civil cases the jury shall consist of not less than six (6), or more than 12 (twelve) members, unless the court and all parties agree to less than six (6) members. The challenges permitted shall remain as provided in 28 U.S.C. § 1870 and Rule 47(b) of the Federal Rules of Civil Procedure.

LOCAL RULE 54.1

TAXATION OF COSTS

A. **Bill of Costs.** Within fourteen (14) days after the entry of judgment, the party recovering costs shall file a bill of costs on the form available from the clerk of court, a brief in support, and a verification of the bill of costs, pursuant to 28 U.S.C. § 1924. The brief shall (1) clearly and concisely itemize and describe the costs, (2) set forth the statutory basis for seeking those costs under 28 U.S.C. § 1920, and (3) reference and include copies of applicable invoices, receipts and disbursement instruments. Proof of service upon all adverse parties shall be indicated.

B. **Objections to Bill of Costs.** Where a party objects to any item in a bill of costs, such objection shall be set forth with any supporting affidavits and documentation and must be filed with the court and served on all adverse parties within fifteen (15) days after the bill of costs was filed.

C. **Taxation of Costs.** Where no objections are filed, the clerk shall tax the costs and shall allow such items as are taxable under law. Where objections are filed, a hearing will be scheduled by the clerk to review the bill of costs and the objections.

D. **Costs in Comparative Negligence Cases.** In comparative negligence cases each party shall be taxed a percentage of each other party's taxable costs equal to the percentage of fault found against the taxed party.

E. **Judicial Review.** Taxation of costs by the clerk is subject to review by the court when, pursuant to Fed.R.Civ.P. 54(d), a motion for review is filed within five (5) days of the entry on the docket of the clerk's action.

F. **Waiver.** Any party failing to comply with this rule will be deemed to have waived the claim or any objection.

LOCAL RULE 54.2

AWARD OF ATTORNEY FEES

A. Time to File Motion for Attorney Fees. Any party entitled to and requesting attorney fees shall file within fourteen (14) days of the entry of judgment a motion for such, together with an affidavit setting forth an itemized accounting of the hours of attorney time expended, a brief explanation of the work performed, and the billing rate for those hours. The affidavit may also set forth any other information the movant wishes the court to consider in determining such fees. A copy of the motion with all attachments shall be promptly served on all adverse parties. All other parties shall file responses, and serve those responses on all adverse parties within fifteen (15) days of the date of filing, setting forth specific objections and any other matters they wish the court to consider.

B. Waiver. Any party failing to comply with this rule will be deemed to have waived the claim or any objection.

LOCAL RULE 55.1

PROCEDURE FOR OBTAINING DEFAULT JUDGMENT

A. Entry of Default by Clerk. To obtain an entry of default pursuant to Fed. R. Civ. P. 55(a), the party must provide the clerk with a "Request for Entry of Default by the Clerk." The Request should recite the facts that establish service of process, and be accompanied by affirmations concerning non-military service and that the individual is neither an infant nor an incompetent person. Once a proper request has been filed, the clerk will prepare and enter default, after independently determining that service has been effected, that the time for responding has expired and that no answer or appearance has been filed.

B. Entry of Judgment by the Clerk. Once a party is in default, a default judgment pursuant to Fed. R. Civ. P. 55(b)(1) may be requested of the Clerk by filing a motion for default judgment accompanied by an affidavit. A form of judgment granting the requested relief must be provided setting forth that the plaintiff's claim is for a particular sum certain.

C. Entry of Judgment by the Court. Default Judgment pursuant to Fed. R. Civ. P. 55(b)(2) may be requested of the court by filing a motion and concise brief. A form of judgment should be provided.

LOCAL RULE 56.1

SUMMARY JUDGMENT MOTIONS

A. Material Fact Statement. A brief in support of a motion for summary judgment (or partial summary judgment) shall begin with a section that contains a concise statement of material facts as to which movant contends no genuine issue exists. The facts shall be numbered and shall refer with particularity to those portions of the record before the court upon which movant relies.

B. Response Brief. The response brief to a motion for summary judgment (or partial summary judgment) shall begin with a section which contains a concise statement of material facts as to which the party contends a genuine issue exists. Each fact in dispute shall be numbered, shall refer with particularity to those portions of the record upon which the opposing party relies, and, if applicable, shall state the number of the movant's fact that is disputed. All material facts set forth in the statement of the movant shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the statement of the opposing party.

C. Reply Briefs to Address New Matter. Reply briefs may be filed pursuant to L.R. 7.1(D) in connection with summary judgment motions only if they address new matter.

D. Record. The record on summary judgment shall consist of all materials permitted by Rule 56 of the Federal Rules of Civil Procedure that are properly in the record before the court.

E. Accelerated Scheduling. Within the court's discretion, an accelerated briefing schedule and further brief page limitations may be imposed in connection with full or partial motions for summary judgment.

F. Disposition by Magistrate Judge. In order to avoid duplication of effort, the court will not ordinarily refer motions for summary judgment to a magistrate judge for report and recommendation. However, motions for summary judgment may be referred upon consent to the assigned magistrate judge for final decision under the partial consent procedure provided pursuant to 28 U.S.C. § 636(c), Rule 73 of the Federal Rules of Civil Procedure, and Local Rule 73.1(A)(3).

LOCAL RULE 58.1

ENTRY ON DOCKET

The entry of a judgment or order on the docket shall be effective upon the entry of the notation "E.O.D." [Entered on Docket] and the date. Where applicable, such notation will constitute entry of judgment as provided by Rules 58 and 79(a), Federal Rules of Civil Procedure.

LOCAL RULE 62.1

STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT

In order to ensure consideration by the court before the execution of a judgment or any proceedings to enforce a judgment, any such execution or proceedings are stayed pending the disposition of a motion for a new trial or to alter or amend a judgment made pursuant to Rule 59, Federal Rules of Civil Procedure, or of a motion for relief from a judgment or order made pursuant to Rule 60, Federal Rules of Civil Procedure, or of a motion for judgment in accordance with a motion for a directed verdict made pursuant to Rule 50, Federal Rules of Civil Procedure, or of a motion for amendment to the findings or for additional findings made pursuant to Rule 52(b), Federal Rules of Civil Procedure, unless the court shall otherwise order. The court, following an appropriate motion, may require posting of a supersedeas bond or security if it concludes second or subsequent post trial motions are filed in abuse of the stay or for delay.

LOCAL RULE 65.1.1

SECURITY; SURETIES

A. Scope of Rule. Whenever a security, bond, or undertaking is required by federal statute, the Federal Rules of Civil Procedure, or by court order, and the form thereof is not otherwise specified in or determined by statute, rule, or order, the form thereof shall be as provided by this rule, unless otherwise specifically stated by an order of a judge of this court.

B. Security for Costs. On its own motion or upon motion of a party in interest, the court may at any time order any party to give security, bond, or undertaking in such amount and form as the court may order for the payment of costs or for performance of other conditions or requirements imposed in an action or proceeding.

C. Corporate Surety. No security, bond, or undertaking with corporate surety shall be accepted or approved unless: (1) the corporate surety is in compliance with the provisions of Title 6 U.S.C. §§ 6-13, and; (2) there is on file with the clerk a duly authenticated power of attorney appointing the agents or officers executing such obligation to act on behalf of the corporate surety.

D. Cash. In lieu of corporate surety, a party may deposit with the clerk the required amount in lawful money of the United States accompanied by a written instrument, to be approved by the court, executed and acknowledged by the party, and setting forth the conditions upon which the deposit is made. Where the true owner is other than the party making the deposit, the instrument shall so state and shall also be executed and acknowledged by the true owner. Upon exoneration of the deposit, it may be returned by the clerk, after application to claims of the United States in the proceeding and to proper fees of the marshal and clerk, to the depositor, or if the depositor is other than the named true owner, then to the latter.

E. Real Estate. Real estate will not be accepted as security in this jurisdiction.

F. Court Officers as Sureties. No clerk, United States Marshal, member of the bar that is counsel of record in the case, or other officer of this court will be accepted as surety, either directly or indirectly, on any bond or undertaking in any action or proceeding in this court.

LOCAL RULE 67.1

DEPOSIT AND DISBURSEMENT OF REGISTRY FUNDS

A. Deposit of Funds. All court orders for the deposit of registry funds in interest-bearing accounts shall contain the following provision pursuant to Rule 67, Federal Rules of Civil Procedure:

IT IS ORDERED that counsel presenting this order serve a copy thereof on the Court Clerk or the Chief Deputy Court Clerk personally. Absent this service the Clerk is hereby relieved of any personal liability relative to compliance with this order.

B. Disbursement Ordered by District Judge Only. Any orders disbursing funds from the registry funds shall be presented to the clerk for transmittal to the court and shall be prepared for signature of one of the district judges.

C. Provision of Social Security or Tax I.D. Numbers. A person seeking withdrawal of money which was deposited in the court pursuant to Rule 67 and which was subsequently deposited into an interest-bearing account or instrument as required by Rule 67, shall provide on a separate paper attached to the motion seeking withdrawal of the funds, the social security number or tax identification number of the ultimate recipient of the funds. This separate paper shall be forwarded by the court directly to the institution holding the money.

D. Handling Fee. The court clerk shall assess a fee for the handling of all funds deposited in the registry of the court in connection with non-criminal proceedings pursuant to 28 U.S.C. §§ 1914 and 2041.

LOCAL RULE 71 A.1

CONDEMNATION CASES

A. Master File. The clerk is directed in land condemnation actions filed by the United States of America to establish a master file in which a single declaration of taking will be filed along with the master complaint. Within the master complaint, there will be a schedule or schedules which set out a description of the various tracts and the ownership of the tracts involved in the taking.

B. Separate Civil Actions. For each tract, economic unit, or ownership for which just compensation is required to be separately determined, a separate civil action shall be opened by the clerk. An appropriate reference in each separate civil action to the master file case number shall be deemed to incorporate by reference the declaration of taking in the master file.

LOCAL RULE 72.1

UNITED STATES MAGISTRATE JUDGE

A. Authorization. Each magistrate judge appointed by this court is authorized to perform all civil functions permitted by law, including:

1. Civil Consent Proceedings and Trials. Conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case upon the consent of the parties pursuant to 28 U.S.C. § 636(c).
2. Non-dispositive Matters. Hear, determine, and enter an order on any pretrial matter pending before the court as authorized by 28 U.S.C. § 636(b)(1)(A).
3. Injunctions, Class Actions, and Dispositive Matters. Conduct hearings, including evidentiary hearings, and submit to a judge of the court proposed findings of fact and recommendations for the disposition of any motion excepted in 28 U.S.C. § 636(b)(1)(A), of applications for post-trial relief by individuals convicted of criminal offenses, and of prisoner petitions challenging conditions of confinement.
4. Enforcement of IRS Summons. Conduct proceedings, including issuing an attachment or order or other process, to enforce obedience to an Internal Revenue Service summons to produce records or to give testimony. 26 U.S.C. §§ 7402(b), 7406(a) and (b).
5. Hearings on Assets. Conduct examinations of judgment debtors in accordance with Rule 69, Federal Rules of Civil Procedure, and enter necessary orders in aid of the judgment or execution.
6. Pretrial Conferences. Conduct pretrial conferences and enter pretrial orders, upon request of a judge of the court.
7. Special Master. Serve as special master in appropriate civil cases in accordance with 28 U.S.C. § 636(b)(2) and Rule 53, Federal Rules of Civil Procedure. Upon the consent of the parties, a United States Magistrate Judge may be designated by a judge to serve as a special master in any civil case notwithstanding the limitations of Rule 53(b), Federal Rules of Civil Procedure.
8. Jury Selection. Empanel petit juries in civil cases upon request of a judge of the court.
9. Jury Verdicts. Accept petit jury verdicts in civil cases at the request of a judge of the court.
10. Issue Subpoenas and Writs. Issue subpoenas, writs of habeas corpus ad

testificandum or habeas corpus ad prosequendum, or other orders necessary to obtain the presence of parties or witnesses or evidence for court proceedings.

11. Inspection Warrants. Issue administrative inspection warrants.
12. Confirm Sale. Conduct hearings on motions to confirm sale pursuant to 12 O.S. § 686 and Rule 69(a), Federal Rules of Civil Procedure.
13. Additional Duties. Perform such additional duties as are not inconsistent with the Constitution and laws of the United States.

B. Motions to Reconsider. A Motion to Reconsider Decision of U. S. Magistrate Judge, designated as such, may be filed in appropriate circumstances when new law or facts, not previously called to the attention of the magistrate judge, should be fairly considered in making a decision. The magistrate judge shall review the motion and, if it is deemed to be meritorious, shall request the district judge to recommit the matter to the magistrate judge. A motion to reconsider shall not toll the ten-day objection period provided for in Rule 72, Federal Rules of Civil Procedure, unless the district judge orders the matter recommitted to the magistrate judge, in which event the ten-day objection period provided for in Rule 72 shall run from service of the magistrate judge's findings and recommendations upon reconsideration of a dispositive matter or from entry of the magistrate judge's order upon reconsideration of a non-dispositive matter.

C. Jurisdiction. The jurisdiction of the magistrate judges of the Northern District of Oklahoma shall be district-wide and any magistrate judge may hold court at any place within the district.

D. Alternative Dispute Resolution.

1. Authorization. Magistrate judges may conduct or employ settlement conferences, summary jury trials, mini-trials, executive summary jury trials, or any other ADR proceedings, procedures, or techniques.
2. Supervision and Administration of ADR Programs. One or more magistrate judges may be designated by the court to supervise and administer the Adjunct Settlement Judge Program, the Adjunct Discovery Judge Program, and "Special Project" Adjunct Settlement Judge assignments.
 - a. ASJ Training and Supervision. The magistrate judge(s) so designated shall be responsible for training and supervising Adjunct Settlement Judges selected by the court; for making appropriate assignments to ASJs; for keeping records of ASJ activity; and for certifying circumstances constituting noncompliance with the court's settlement conference order.
 - b. References to Adjunct Discovery Judges. Any magistrate judge may refer all or part of an ongoing discovery dispute to an adjunct discovery judge.

- c. "Special Project" Assignments. In appropriate cases, the magistrate judge designated to administer the ASJ Program may also assign ASJs on a paid, "special project" basis and determine how they are to be paid.
- d. ADR Program Design. The magistrate judge(s) serving as ADR Administrator(s) will also assist the permanent Case Management and ADR Advisory Committee in designing, testing, implementing, and monitoring new ADR measures.

LOCAL RULE 73.1

TRIAL CONSENT AND PARTIAL CONSENT TO PROCEED BEFORE THE UNITED STATES MAGISTRATE JUDGE

A. Notice. The court clerk shall notify the parties in all civil cases that they may consent to have a full-time magistrate judge conduct any or all proceedings in the case and order the entry of the final judgment. Such notice, together with magistrate judge consent forms, shall be handed or mailed to each plaintiff or each plaintiff's representative at the time an action is filed and to other parties as attachments to copies of the complaint and summons to be served. Additional notices may be furnished to the parties at later stages of the proceedings and may be included with pretrial conference notices and instructions.

B. Trial Consent. Parties may consent to the transfer of an entire case to the assigned magistrate judge for trial, by filling out and filing the Trial Consent Form. After the Trial Consent Form has been executed and filed, the clerk shall transmit it to the assigned district judge for approval and referral of the case for trial to the assigned magistrate judge.

C. Partial Consent. Alternatively, parties may consent to the transfer of part of a proceeding to the assigned magistrate judge pursuant to 28 U.S.C. § 636(c) and Rule 73 of the Federal Rules of Civil Procedure. For example, the parties may consent to the transfer of a dispositive motion to the assigned magistrate judge. The Partial Consent Form must be filled out to designate the proceedings consented to. Once it is executed and filed, the clerk shall transmit it to the assigned district judge for approval and transfer of that portion of the case covered by the partial consent to the assigned magistrate judge. Where a partial transfer is made, the case shall remain on the calendar of the assigned district judge for trial.

D. Execution of Consent. The clerk shall not accept a Trial Consent Form or a Partial Consent Form unless it has been signed by all the parties in the case. Where the parties have agreed to either a trial consent or partial consent, the attorney for plaintiff shall be responsible for securing the execution of the proper consent form by the parties and for filing the form with the clerk of court. Where the plaintiff is proceeding pro se, the attorney for defendant(s) shall assume this responsibility.

LOCAL RULE 73.2

APPEAL FROM JUDGMENT IN CIVIL CASES DISPOSED OF ON CONSENT OF THE PARTIES

A. Normal Appeal Route to the Court of Appeals. Upon the entry of judgment in any civil case disposed of by a magistrate judge on consent of the parties under authority of 28 U.S.C. § 636(c), an aggrieved party will normally appeal directly to the United States Court of Appeals for the Tenth Circuit in the same manner as an appeal from any other judgment of this court, as provided by Rule 73(c) of the Federal Rules of Civil Procedure.

B. Optional Appeal Route to a District Judge.

1. Notice of Appeal. In accordance with 28 U.S.C. § 636(c)(4), the parties may consent to appeal any judgment in a civil case disposed of by a magistrate judge to a judge of this court rather than directly to the United States Court of Appeals for the Tenth Circuit. In such case the appeal shall be taken by filing a notice of appeal with the clerk within 30 days after entry of the magistrate judge's judgment; but if the United States or an officer or agency thereof is a party, the notice of appeal may be filed by any party within 60 days of entry of the judgment. For good cause shown, the magistrate judge or a district judge may extend the time for filing the notice of appeal for an additional 20 days. Any request for such extension must be made before the original time period for such appeal has expired. In the event a motion for a new trial is timely filed, the time for appeal from the judgment of the magistrate judge shall be extended to 30 days from the date of the ruling on the motion for a new trial unless a different period is provided by the Federal Rules of Civil or Appellate Procedure.
2. Service of the Notice of Appeal. The clerk shall serve notice of the filing of a notice of appeal by mailing a copy thereof to counsel of record for all parties other than the appellant, or if a party is not represented by counsel, to the party at his last known address.
3. Record on Appeal. The record on appeal to a district judge shall consist of the original papers and exhibits filed with the court and the transcript of the proceedings before the magistrate judge, if any. Every effort shall be made by the parties, counsel and the court to minimize the production and costs of transcriptions of the record and otherwise to render the appeal expeditious and inexpensive as mandated by 28 U.S.C. § 636(c)(4).
4. Briefs. The appellant, within 30 days of the filing of the notice of appeal, shall file and serve a typewritten brief with the clerk stating the specific facts, points of law and authorities on which the appeal is based. The appellee shall file and serve an answering brief within 30 days of the filing of the appellant's brief. Thereafter, appellant may file and serve a reply brief

within 15 days of the filing of appellee's answering brief. The court may extend these time limits upon a showing of good cause made by the party requesting the extension. Such good cause may include reasonable delay in the preparation of any necessary transcript. Briefs shall be subject to the limitations set forth in Rule 7.2 of these Rules. If an appellant fails to file his brief within the time provided by this Rule or any extension thereof, the court may dismiss the appeal.

5. Disposition of the Appeal by a District Judge. The district judge shall consider the appeal on the record, in the same manner as if the case had been appealed from a judgment of the district court to the United States Court of Appeals for the Tenth Circuit and may affirm, reverse or modify the magistrate judge's judgment or remand with instructions for further proceedings. The district judge shall accept the magistrate judge's findings of fact unless they are clearly erroneous and shall give due regard to the opportunity of the magistrate judge to judge the credibility of the witnesses.
6. No Further Appeal to the Court of Appeals as of Right. Pursuant to Rule 73(d) of the Federal Rules of Procedure, if the optional appeal route to a district judge is used, there is no further appeal as of right, and further appeal to the United States Court of Appeals for the Tenth Circuit may proceed only by petition.

LOCAL RULE 77.1

BUSINESS HOURS OF THE COURT CLERK

The business hours of the court clerk are from 8:30 a.m. to 4:30 p.m. Monday through Friday. All pleadings, motions, briefs and other papers requiring filing shall be accomplished not later than 4:30 p.m. on the day required. After business hours and on Saturdays, Sundays, and legal holidays, when good cause is shown, the clerk may permit other filings.

LOCAL RULE 78.1

NO ORAL HEARING

Motions will be considered by the court without oral hearing, unless otherwise ordered by the court.

LOCAL RULE 79.1

RECORDS KEPT BY THE COURT CLERK

A. Where Files Maintained. All pleadings filed, except pleadings relating to bankruptcy matters, shall be kept on file in the office of the court clerk on the fourth floor of the Page Belcher Federal Building, 333 West 4th Street, in Tulsa, Oklahoma, or at such other place as the court may designate.

B. Files Not to be Removed. No case file or original pleading shall be removed from the court clerk's office, except by a judicial officer in the course of judicial duties.

C. Withdrawal of Trial Exhibits Required. Exhibits introduced and received into evidence at a trial or hearing shall be retained in the custody of the clerk during the pendency of the trial or hearing, unless otherwise ordered by the court. At the conclusion of the court proceedings, the party introducing exhibits shall remove those exhibits from the custody of the clerk for storage until the final determination of the case. If an appeal is taken, it shall be the responsibility of the attorneys to provide any designated exhibits to the United States Court of Appeals for the Tenth Circuit. If the court reserves ruling after a non-jury trial or other hearing in which exhibits have been received into evidence, the attorneys shall produce the exhibits to the court upon request.

D. Sealing of Records. No pleading, document, or record shall be placed under seal without a prior, specific order of the court finding good cause to do so. No seal shall be lifted, except by the court, or by court order.

LOCAL RULE 80.1

COURT REPORTERS

The Court Reporter Management Plan is available for review in the office of the court clerk. A current schedule of transcript fees, as established by the Judicial Conference, is posted in the clerk's office and is available from the official court reporters.

LOCAL RULE 81.1

REMOVAL FROM STATE COURT

Removals from state court must be done in accordance with the provisions of 28 U.S.C. § 1446 and Rule 81 of the Federal Rules of Civil Procedure.

If a hearing in the state court has been set prior to removal, counsel removing the case shall notify the state judge forthwith of the removal, and notify the federal judge to whom the case is assigned of the nature and time of the state court setting.

LOCAL RULE 83.1

PHOTOGRAPHS, RECORDING, BROADCASTING, ELECTRONIC EQUIPMENT USE, AND COMPUTER USE

A. Activity Restricted. The taking of photographs and operation of sound or video recorders in the courtroom or its environs and radio or television broadcasting from the courtroom or its environs during the progress of or in connection with judicial proceedings, including proceedings before a magistrate judge, whether or not court is actually in session, is prohibited. A judge may, however, permit (1) the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record, (2) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings, and (3) the videotaping of court proceedings for educational purposes.

B. Definition: "Environs". As used in this rule, the term "environs" means any place within the Page Belcher United States Post Office and Courthouse Building in Tulsa, Oklahoma, or any other place in this district where court proceedings are being conducted.

C. Dictating Equipment. Dictating equipment may be used by counsel when judicial proceedings are not being conducted. However, no recording of any judicial or settlement proceeding is permitted, without prior, explicit court approval.

D. Computers. Computers may be used by counsel, as long as such use is unobtrusive in judicial proceedings, unless the court directs otherwise.

E. Cellular Phones and Pagers. Cellular phones and pagers may be used by attorneys, litigants, witnesses, and the press when judicial proceedings are not being conducted. Care should be used to insure that judicial proceedings are not disturbed by audible emissions from such devices.

LOCAL RULE 83.2

PROFESSIONAL CONDUCT AND COURTROOM DECORUM

A. Oklahoma Rules of Professional Conduct Apply. Attorneys practicing in this court are expected to conduct themselves in accordance with the Oklahoma Rules of Professional Conduct, as adopted by the Oklahoma Supreme Court, as the standard of conduct of all members of the Oklahoma Bar Association. See, Title 5 O.S.A. Ch.1, App. 3A. As set forth in the preamble:

A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

In this spirit, all lawyers should become familiar with their duties and obligations, as defined and classified generally in the Oklahoma Rules of Professional Conduct, any interpretive decisions, applicable statutes, and the usages, customs, and practices of the bar.

B. Courtroom Behavior. The purpose of this rule is to emphasize, not to supplant, certain portions of those ethical principles applicable to the lawyer's conduct in the courtroom. In addition to all other requirements, therefore, lawyers appearing in this court shall adhere to the following:

1. Be punctual in attendance at court.
2. Refrain from addressing anyone in court by first names -- use last names only.
3. Refrain from leaving the courtroom while court is in session, unless it is absolutely necessary, and then only if the court's permission has been obtained first.
4. At all times, counsel for plaintiff shall occupy the table nearest the jury box and counsel for defendant shall occupy the table furthestmost from the jury box.
5. Ascertain that only one lawyer is standing at a time, unless an objection is being made.
6. Bench conferences will be kept to a minimum. Counsel should anticipate issues which will arise during the trial and inform the court and opposing counsel at the earliest opportunity. Permission must be obtained from the court to approach the bench, a witness, an exhibit, or the clerk.

7. Refrain from employing dilatory tactics.
8. Hand all papers intended for the court to see to the clerk who, in turn, will pass them up to the judge.
9. Hand to the clerk any exhibits offered into evidence.
10. Advise clients, witnesses, and others concerning rules of decorum to be observed in court.
11. Use the lectern when interrogating witnesses or addressing the jury, unless otherwise permitted by the court. Appropriate exceptions to this rule shall be made for disability or infirmity.
12. Never conduct or engage in experiments or demonstrations unless prior permission is granted by the court.
13. Refrain from conducting a trial when they know, prior thereto, that they will be necessary witnesses, other than as to merely formal matters such as identification or custody of a document or the like. If, during the trial, it is discovered that the ends of justice require their testimony, they should from that point on, if feasible and not prejudicial to their client's case, leave further conduct of the trial to other counsel. If circumstances do not permit withdrawal from the conduct of the trial, lawyers should not argue the credibility of their own testimony.
14. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly uninfluenced by all ill feeling between the respective clients. Attorneys should abstain from any allusion to personal peculiarities and idiosyncrasies of opposing counsel.
15. Rise when addressing or being addressed by the judge or magistrate judge. Appropriate exception will be made for disability or medical infirmity.
16. Refrain from assuming an undignified posture. Counsel should always be attired in a proper and dignified manner and should abstain from any apparel or ornament calculated to attract attention to themselves.
17. At all times exemplify conduct consistent with their obligation as an officer of the court.
18. In making representations to the court, know or honestly believe them to be supported by fact.

19. Comply, along with all other persons in the courtroom, with the following:
- a. No tobacco in any form will be permitted at any time.
 - b. No propping of feet on tables or chairs will be permitted at any time.
 - c. No bottles, beverage containers, paper cups, or edibles shall be brought into the courtroom, except with permission of the marshal or courtroom deputy clerk.
 - d. No gum chewing or reading of newspapers or magazines (except as a part of the evidence in a case) will be permitted while court is in session.
 - e. No talking or other unnecessary noises will be permitted while court is in session.
 - f. Everyone must rise when instructed to do so upon opening, closing, or declaring recesses of court. Appropriate exception shall be made for disability or medical infirmity.
 - g. Any attorney who appears in court intoxicated or under the influence of intoxicants, drugs, or narcotics may be summarily held in contempt.

LOCAL RULE 83.3
(Amended 6/1/04 per GO 04-04)

BAR ADMISSION

A. Roll of Attorneys. The bar of this court shall consist of those attorneys who have taken the oath prescribed by the rules and have signed the roll of attorneys of this judicial district.

B. Committee on Admissions and Grievances. There is constituted a Committee on Admissions and Grievances consisting of members of this bar appointed by the court. An application for admission shall be referred to the committee for investigation into the qualifications and fitness of the applicant to be admitted. The committee shall report its recommendations in writing to the court clerk.

C. Application for Admission. Every applicant for admission shall obtain from the court clerk an application for admission which shall be completed and submitted to the clerk. The applicant shall be required to pay an admission fee in such amount as shall be fixed by the court from time to time. Upon a favorable report of the committee, the approved applications shall be filed with the clerk.

D. Individual Admission. An individual judge, magistrate judge or, upon authority of a judge, the court clerk may, upon motion by a member of the bar of this court, admit individual lawyers who have been approved by the committee, or who meet the requirements listed in paragraph F.

E. Eligibility. Any member in good standing of the bar of the Supreme Court of the United States, or of any United States Court of Appeals, or of any District Court of the United States, or a member in good standing of the bar of the highest court of any State of the United States, is eligible for admission to the bar of this court.

F. Reciprocity. Any attorney who shall have been admitted to practice in any other federal district court of Oklahoma may be admitted to practice in this district upon the motion of a member of the bar, without the filing of a formal application. Before admission, a Certificate of Good Standing from the appropriate district shall be presented to the court clerk and the applicant shall pay the fee for admission.

G. Conviction; Discipline in Other Courts. Any member of the bar of this court convicted in any jurisdiction of a felony or other crime involving dishonesty or false statement, and any member disbarred or suspended from practice in any court of competent jurisdiction, shall be suspended automatically from practice in this court. Provided, in the event a member of the bar of this court is disciplined in some other jurisdiction and this court determines from the record upon which the discipline was predicated that:

1. the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

2. there was such an infirmity of proof establishing the misconduct that this court could not, consistent with its duty, accept as final the conclusion on that subject; or
3. the imposition of the same discipline by this court would result in grave injustice; or
4. the misconduct established is deemed by the court to warrant substantially different discipline, then such attorney shall not be automatically similarly disciplined in this court.

The attorney may be reinstated upon approval of the majority of the judges of this court only on written application showing cause why such attorney should be reinstated, excepting, however, that in the event the discipline imposed in the other jurisdiction has been stayed there, the discipline imposed in this court shall likewise be deferred until such a stay expires in the other jurisdiction. Any member of the bar of this court so convicted, disbarred, or suspended shall immediately notify in writing the clerk of this court of such action and state the particulars thereof.

H. Resignation While Under Investigation. An attorney of this bar who is under investigation for misconduct or who is facing disbarment proceedings in any court of competent jurisdiction, who resigns from the bar of the investigating jurisdiction, or who voluntarily permits a license to practice therein to terminate, shall be deemed by this court to have been disbarred in the other jurisdiction and shall forthwith be disbarred from practicing in this court.

I. Attorneys for the United States. Attorneys who are employed or retained by the United States or its agencies may practice in this court in all cases or proceedings in which they represent the United States or such agencies without fulfilling admission requirements. Such attorneys shall conduct themselves in accordance with these rules.

J. Admission of Nonresident Attorney for Limited Practice. Any member of the bar of the Supreme Court of the United States, of any United States Court of Appeals, or of any District Court of the United States who is a nonresident of the Northern District of Oklahoma may be admitted to practice before this court for limited practice upon oral motion and without filing an application for admission. Limited practice shall be restricted to practice in the case or proceeding then on file. The attorney who is admitted for a limited practice is permitted to do so at the discretion of the court (See Local Rule 1.4), and shall be required to pay an admission fee in such amount as shall be fixed by the court from time to time.

K. Resident Counsel Required. Any attorney who is not a resident of this state shall, when representing a party in this court, show that there is an attorney personally appearing in the action who is a resident of the State of Oklahoma and who has been duly and regularly admitted to practice in this court. Such resident attorney shall enter an appearance and shall continue in the case unless other resident counsel be substituted. Any notice, pleading, or other paper shall be served upon the resident attorney.

L. Appearance of Counsel. Any attorney appearing in a civil case shall enter an appearance by signing and filing an entry of appearance on the form prescribed by the Clerk of this Court.

M. Withdrawal from Case. Once an appearance is made through counsel, there shall be no withdrawal by counsel except by leave of court upon reasonable notice to the client and all other parties who have appeared in the case. Withdrawal of counsel may be granted subject to the condition that subsequent papers may continue to be served upon the counsel for forwarding purposes or upon the clerk of the court, as the court may direct, unless and until the client appears by other counsel or in propria persona. No withdrawal of counsel shall be permitted where such withdrawal might delay the trial of the case. Counsel of record may withdraw only by order of the judge to whom the case is assigned.

LOCAL RULE 83.4

OATH OF ATTORNEY

I do solemnly swear:

I will support the Constitution of the United States and the Constitution of the State of Oklahoma. I will maintain the respect due to courts of justice and judicial officers.

I will be bound by the Oklahoma Rules of Professional Conduct and will conduct myself in compliance therewith at all times.

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land.

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the Judge or jury by any artifice or false statement of fact or law.

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with business, except from my client or with my client's knowledge and approval.

I will abstain from all offensive behavior and advance no facts prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged.

I will never reject from any consideration personal to myself the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice. So help me God.

LOCAL RULE 83.5

COMPLAINT AGAINST A JUDGE OF THE COURT

The bar of this court and the public is hereby advised that any good faith complaint against a judge of this court (district, bankruptcy or magistrate judge) regarding conduct, within the scope of the judge's function and duties, may be made as provided in 28 U.S.C. § 372(c).

ADOPTED this _____ day of _____, 1995.

THOMAS R. BRETT, Chief Judge
United States District Court
for the Northern District of Oklahoma

TERRY C. KERN
United States District Judge
for the Northern District of Oklahoma

SVEN ERIK HOLMES
United States District Judge
for the Northern District of Oklahoma

MICHAEL BURRAGE
United States District Judge
for the Northern District of Oklahoma

H. DALE COOK, Senior Judge
United States District Court
for the Northern District of Oklahoma

JAMES O. ELLISON, Senior Judge
United States District Court
for the Northern District of Oklahoma